

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1786-04  
Bill No.: Perfected SCS for SB 387  
Subject: Crimes and Punishment; Courts; Fees; Judges; Law Enforcement Officers and Agencies; Probation and Parole  
Type: Original  
Date: April 11, 2011

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Bill Summary: This proposal allows for release on electronic monitoring for people who can afford to pay the costs associated with the monitoring.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>       |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>                                      | <b>FY 2012</b> | <b>FY 2013</b> | <b>FY 2014</b> |
| General Revenue   | Unknown        | Unknown        | Unknown        |
|   |                |                |                |
| <b>Total Estimated Net Effect on General Revenue Fund</b> | <b>Unknown</b> | <b>Unknown</b> | <b>Unknown</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>              |                |                |                |
|---|----------------|----------------|----------------|
| <b>FUND AFFECTED</b>  | <b>FY 2012</b> | <b>FY 2013</b> | <b>FY 2014</b> |
|   |                |                |                |
|   |                |                |                |
| <b>Total Estimated Net Effect on <u>Other</u> State Funds</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     |

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS                                 |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2012    | FY 2013    | FY 2014    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>All</u><br/>Federal Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) |          |          |          |
|--|----------|----------|----------|
| FUND AFFECTED                                      | FY 2012  | FY 2013  | FY 2014  |
|  |          |          |          |
|  |          |          |          |
| <b>Total Estimated<br/>Net Effect on<br/>FTE</b>   | <b>0</b> | <b>0</b> | <b>0</b> |

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS |            |            |            |
|-------------------------------------|------------|------------|------------|
| FUND AFFECTED                       | FY 2012    | FY 2013    | FY 2014    |
| <b>Local Government</b>             | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

## FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Corrections, Office of the State Courts Administrator** and the **Office of the State Public Defender** each assume the proposal would not have a fiscal impact on their respective agencies.

In response to a previous version of this proposal, officials from the **Office of Prosecution Services** also assumed no fiscal impact.

Officials from the **Department of Social Services (DOS)** state for eligibility purposes, the Family Support Division does not now consider electronic monitoring to be incarceration. To be considered incarceration, an individual must reside in an institution. Therefore, there is no fiscal impact to the Family Support Division or the Medicaid program.

Officials from the **Boone County Sheriff's Department** assume no fiscal impact from the proposal.

In response to a similar proposal from 2010 (HB 2442), officials from **St. Louis County** stated the overall fiscal impact to Justice Services would be favorable. The cost benefit would be the potential for persons to be on Electronic Home Detention (EHD) as opposed to being in jail and the associated cost. However, a need would exist to hire an additional case manager to monitor persons on EHD as the number of persons on EHD increases. Reimbursement by the person on EHD and by the state would be critical to keeping the fiscal impact more manageable.

According to the Section 221.105, the Department of Corrections must reimburse a county for the actual cost of housing a prisoner, up to \$37.50 per day. The appropriation for this reimbursement to the county level from the Department of Corrections totaled \$38,060,616 for the current budget year (Section 9.265 of HB 2009), \$43,060,616 for FY 2010 and \$43,060,616 again in FY 2009. **Oversight** assumes the proposal would result in a net savings to the state since instead of the state reimbursing local jails for incarceration, the courts may require the offender be sentenced to electronic monitoring, with the offender paying for it. Therefore, Oversight will assume the proposal could result in net unknown savings to the General Revenue Fund. Oversight is unsure of how many such offenders would be sentenced to house arrest under the new program.

**Oversight** assumes the proposal would not have a fiscal impact to counties since they can receive reimbursement from the state for jailed confinement under the current statutes or from the offender for electronic monitoring under this new program

FISCAL IMPACT - State Government

FY 2012  
(10 Mo.)

FY 2013

FY 2014

**GENERAL REVENUE**

Savings - Department of Corrections

Nonviolent offenders sentenced to house arrest with electronic monitoring - the state would not have to reimburse local political subdivisions for jail expenses - since the offender will be required to pay for the monitoring confinement. Also the judge may charge the individual in custody the cost of electronic monitoring as a condition of his or her sentence

Unknown

Unknown

Unknown

**ESTIMATED NET EFFECT TO THE  
GENERAL REVENUE FUND**

Unknown

Unknown

Unknown

FISCAL IMPACT - Local Government

FY 2012  
(10 Mo.)

FY 2013

FY 2014

\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### FISCAL DESCRIPTION

This act allows a judge to release a person before trial on electronic monitoring or order a person serve part or all of a sentence of confinement on electronic monitoring unless the judge finds that the person cannot afford to pay the costs associated with the electronic monitoring. All costs associated with the electronic monitoring shall be charged to the person on house arrest.

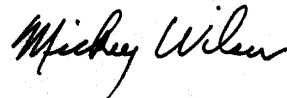
The judge may, in his or her discretion, credit any period on electronic monitoring, against any period of confinement or incarceration ordered.

The circuit court may adopt a local rule allowing for the pretrial release on electronic monitoring in lieu of confinement for anyone charged with a crime who can afford to pay the costs of electronic monitoring.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Department of Corrections  
Office of the State Courts Administrator  
Office of the State Public Defender  
Office of Prosecution Services  
Department of Social Services  
Boone County Sheriff  
St. Louis County



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Director  
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